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OFFICE OF PETITIONS

ATTORNEY'S DOCKET NUMBER: 20086261001EN 00000020 5835868  
01 FC:1599 3695.00 OP

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: McElroy *et al.* Issued as: U.S. 5,835,868  
Serial Number: 08/705,652 Issue date: November 10, 1998  
Filed: August 30, 1996  
For: AUTOMATED SYSTEM FOR IMMOBILIZING A VEHICLE AND METHOD

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Certificate of Mailing**

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

March 4, 2011

Date

Signature

Kimberly Hutchins

Typed or Printed name of person signing certificate

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE UNDER 37 C.F.R. § 1.378**

Registrant respectfully requests that the above-identified patent be reinstated after unintentional delay in payment of a maintenance fee. Any petition to accept an unintentionally delayed payment of a maintenance fee filed under 37 C.F.R. § 1.378(c) must be filed within twenty-four months after the six-month grace period provided in § 1.362(e). The above-referenced patent issued on November 10, 1998, and the six-month grace period for payment of the 11.5 year maintenance fee ended on November 10, 2010. Thus, the deadline for filing a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee is November 10, 2012. Registrant, therefore, submits that this Petition is timely filed on March 4, 2011.

The entire delay in payment of the 11.5 year maintenance fee, including period from Registrant's discovery that the maintenance fee was not timely paid until payment of the maintenance fee was due, was unintentional, per the attached Declarations from the two inventors listed on the above-referenced patent, ALEJANDRO S. MCELROY and JASON RAUCHFUSS. In brief, the two inventors did not maintain a formal file concerning the patent, and they inadvertently lost track of the November 10, 2010, deadline for making a payment.

Registrant asks that it be afforded the maintenance fee Rules as set forth in 37 C.F.R. § 1.378(a). Pursuant to § 1.378(c), Registrant submits herewith the required maintenance fee of \$2,055.00 and the surcharge of \$1,640.00 as set forth in § 1.20(i)2.

Registrant respectfully requests that the Examiner accept the maintenance fee together with surcharge in view of the unintentional delay of Registrant and withdraw any Notice of Patent Expiration.

Please charge any fees that may be required for the processing of this Petition, or credit any overpayments, to our Deposit Account Number 03-1721 (referencing Attorney's Docket Number 2008646-0001).

Respectfully submitted,



Katherine Nicole Clouse, PhD  
Registration Number: 62,750

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Date: March 4, 2011



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Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:


**DECLARATION**

I, Alejandro S. McElroy, declare as follows:

1. I am an inventor of the subject matter disclosed and claimed in United States patent application, Serial Number 08/705,652, filed August 30, 1996, and entitled "AUTOMATED SYSTEM FOR IMMOBILIZING A VEHICLE AND METHOD"; which issued as United States Patent 5,835,868 on November 10, 1998 ("the '868 Patent").
2. The '868 patent expired on November 10, 2010 for failure to timely pay the 11.5 year maintenance fee.
3. This Declaration accompanies a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee under 37 C.F.R. § 1.378 and requisite fees. This Declaration is presented for the purpose of demonstrating that the delayed payment of the 11.5 year maintenance fee was unintentional.
4. The entire delay in payment of the 11.5 year maintenance fee was unintentional, including the period from my discovery that the maintenance fee was not timely paid until payment of the maintenance fee. I did not maintain a formal file for the '868 patent and inadvertently lost track of the deadline for payment of the 11.5 year maintenance fee. I learned of the missed payment on January 6, 2011, after my counsel received a notice

from the United States Patent and Trademark Office and notified me. It then took me several weeks to get in contact with my co-inventor, Jason Rauchfuss, as I am no longer working with him. As soon as I was able to reach him, on February 17-18, 2011, we immediately took steps to arrange for making the payment.

5. I, Alejandro S. McElroy, declare that all statements made herein of my own knowledge are true and that these statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like are made punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patents that may issue thereon.

  
Alejandro S. McElroy

2/22/11  
Date



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Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**DECLARATION**

I, Jason Rauchfuss, declare as follows:

1. I am an inventor of the subject matter disclosed and claimed in United States patent application, Serial Number 08/705,652, filed August 30, 1996, and entitled "AUTOMATED SYSTEM FOR IMMOBILIZING A VEHICLE AND METHOD"; which issued as United States Patent 5,835,868 on November 10, 1998 ("the '868 Patent").
2. The '868 patent expired on November 10, 2010 for failure to timely pay the 11.5 year maintenance fee.
3. This Declaration accompanies a Petition to Accept Unintentionally Delayed Payment of Maintenance Fee under 37 C.F.R. § 1.378 and requisite fees. This Declaration is presented for the purpose of demonstrating that the delayed payment of the 11.5 year maintenance fee was unintentional.
4. The entire delay in payment of the 11.5 year maintenance fee was unintentional, including the period from my discovery that the maintenance fee was not timely paid until payment of the maintenance fee. I did not maintain a formal file for the '868 patent and inadvertently lost track of the deadline for payment of the 11.5 year maintenance fee. Alejandro McElroy, my co-inventor, contacted me on February 17-18, 2011, and alerted

me that the payment date had been missed. We immediately took steps to arrange for making the payment.

5. I, Jason Rauchfuss, declare that all statements made herein of my own knowledge are true and that these statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like are made punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patents that may issue thereon.

  
\_\_\_\_\_  
Jason Rauchfuss

2/23/11  
\_\_\_\_\_  
Date